



General Assembly

January Session, 2003

***Raised Bill No. 1047***

LCO No. 3797

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING THE CONSERVATION OF GRASSLANDS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 23-75 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2003*):

4 (a) The Commissioner of Environmental Protection shall acquire  
5 land by purchase, gift or devise for the purposes set forth in section 23-  
6 74. The title to any land acquired pursuant to sections 23-73 to 23-79,  
7 inclusive, shall be vested in the state. In determining whether sites  
8 shall be acquired, the department shall consider whether the site is: (1)  
9 Identified as having high priority recreation, forestry, fishery, wildlife  
10 or conservation value, including, but not limited to, the conservation of  
11 grasslands and other early successional habitats, and lands that can be  
12 restored to grassland and early successional habitat and as being  
13 consistent with the state comprehensive plan for outdoor recreation  
14 and the state plan of conservation and development; (2) a prime  
15 natural feature of the Connecticut landscape, such as a major river, its  
16 tributaries and watershed, mountainous territory, an inland or coastal  
17 wetland, a significant littoral or estuarine or aquatic site or any other

18 important geologic feature; (3) habitat for native plant or animal  
19 species listed as threatened or endangered or of special concern in the  
20 data base or pursuant to the program established under section 26-305,  
21 particularly areas identified as essential habitat for such species; (4) a  
22 relatively undisturbed outstanding example of a native ecological  
23 community which is now uncommon; or (5) threatened with  
24 conversion to incompatible uses or contains sacred sites or  
25 archaeological sites of state or national importance. In acquiring a site  
26 that has been identified as having a high priority recreation value, the  
27 department shall give priority to sites near population centers.

28 Sec. 2. Subsection (b) of section 7-131d of the general statutes is  
29 repealed and the following is substituted in lieu thereof (*Effective*  
30 *October 1, 2003*):

31 (b) Grants may be made under the protected open space and  
32 watershed land acquisition grant program established under  
33 subsection (a) of this section or under the Charter Oak open space  
34 grant program established under section 7-131t to match funds for the  
35 purchase of land or permanent interests in land which purchase meets  
36 one of the following criteria: (1) Protects land identified as being  
37 especially valuable for recreation, forestry, fishing, conservation of  
38 wildlife or natural resources, including, but not limited to, the  
39 conservation of grasslands and other early successional habitats, and  
40 lands that can be restored to grassland or early successional habitat; (2)  
41 protects land which includes or contributes to a prime natural feature  
42 of the state's landscape, including, but not limited to, a shoreline, a  
43 river, its tributaries and watershed, an aquifer, mountainous territory,  
44 ridgelines, an inland or coastal wetland, a significant littoral or  
45 estuarine or aquatic site or other important geological feature; (3)  
46 protects habitat for native plant or animal species listed as threatened  
47 or endangered or of special concern, as defined in section 26-304; (4)  
48 protects a relatively undisturbed outstanding example of a native  
49 ecological community which is now uncommon; (5) enhances and  
50 conserves water quality of the state's lakes, rivers and coastal water; (6)

51 preserves local agricultural heritage; or (7) in the case of grants to  
52 water companies, protects land which is eligible to be classified as class  
53 I land or class II land after acquisition. The commissioner may make a  
54 grant under the protected open space and watershed land acquisition  
55 grant program to a distressed municipality or a targeted investment  
56 community, as defined in section 32-9p, for restoration or protection of  
57 natural features or habitats on open space already owned by the  
58 municipality, including, but not limited to, wetland or wildlife or plant  
59 habitat restoration or restoration of other sites to a more natural  
60 condition, or replacement of vegetation, provided the total amount of  
61 grants to such municipalities for such purposes may not exceed twenty  
62 per cent of the total amount of grants made in any fiscal year.

63 Sec. 3. Subsection (a) of section 22-26cc of the general statutes is  
64 repealed and the following is substituted in lieu thereof (*Effective*  
65 *October 1, 2003*):

66 (a) There is established within the Department of Agriculture a  
67 program to solicit, from owners of agricultural land, offers to sell the  
68 development rights to such land and to inform the public of the  
69 purposes, goals and provisions of this chapter. The commissioner, with  
70 the approval of the State Properties Review Board, shall have the  
71 power to acquire or accept as a gift, on behalf of the state, the  
72 development rights of any agricultural land, if offered by the owner.  
73 Notice of the offer shall be filed in the land records wherein the  
74 agricultural land is situated. If ownership of any land for which  
75 development rights have been offered is transferred, the offer shall be  
76 effective until the subsequent owner revokes the offer in writing. The  
77 state conservation and development plan established pursuant to  
78 section 16a-24 shall be applied as an advisory document to the  
79 acquisition of development rights of any agricultural lands. The factors  
80 to be considered by the commissioner in deciding whether or not to  
81 acquire such rights shall include, but not be limited to, the following:  
82 (1) The probability that the land will be sold for nonagricultural  
83 purposes; (2) the current productivity of such land and the likelihood

84 of continued productivity; (3) the suitability of the land as to soil  
85 classification and other criteria for agricultural use; (4) the degree to  
86 which such acquisition would contribute to the preservation of the  
87 agricultural potential of the state; (5) any encumbrances on such land,  
88 (6) the cost of acquiring such rights; [and] (7) the degree to which such  
89 acquisition would mitigate damage due to flood hazards; and (8) the  
90 degree to which such acquisition would contribute to the conservation  
91 of grasslands and other early successional habitats and lands that can  
92 be restored to grassland and early successional habitat. Ownership by  
93 a nonprofit organization authorized to hold land for conservation and  
94 preservation purposes of land which prior to such ownership qualified  
95 for the program established pursuant to this section shall not be  
96 deemed to diminish the probability that the land will be sold for  
97 nonagricultural purposes. After a preliminary evaluation of such  
98 factors by the Commissioner of Agriculture, he shall obtain and review  
99 one or more fee appraisals of the property selected in order to  
100 determine the value of the development rights of such property. The  
101 commissioner shall notify the Department of Transportation, the  
102 Department of Economic and Community Development, the  
103 Department of Environmental Protection and the Office of Policy and  
104 Management that such property is being appraised. Any appraisal of  
105 the value of such land obtained by the owner and performed in a  
106 manner approved by the commissioner shall be considered by the  
107 commissioner in making such determination. The value of  
108 development rights for all purposes of this section shall be the  
109 difference between the value of the property for its highest and best  
110 use and its value for agricultural purposes as determined by the  
111 commissioner. The use or presence of pollutants or chemicals in the  
112 soil shall not be deemed to diminish the agricultural value of the land  
113 or to prohibit the commissioner from acquiring the development rights  
114 to such land. The commissioner may purchase development rights for  
115 a lesser amount provided he complies with all factors for acquisition  
116 specified in this subsection and in any implementing regulations. In  
117 determining the value of the property for its highest and best use,

118 consideration shall be given but not limited to sales of comparable  
119 properties in the general area, use of which was unrestricted at the  
120 time of sale.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>

***Statement of Purpose:***

To protect Connecticut grasslands and early successional habitats.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*